

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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: WEISS, et al., : 05-CV-4622 (CPS) (MDG)
: : 07-CV-916 (CPS) (MDG)
Plaintiff. :
: May 22, 2009
: V. : Brooklyn, New York
: NATIONAL WESTMINSTER BANK, :
et al., :
Defendant. :
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TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE
BEFORE THE HONORABLE MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: GARY OSEN, ESQ.
AARON SCHLANGER, ESQ.
JAMES BONNER, ESQ.

For the Defendant: LAWRENCE FRIEDMAN, ESQ.
YEORA PARK, ESQ.

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1 THE COURT: Weiss vs. Natwest, docket number 2005-
2 CV-4622, and Applebaum vs. Natwest, docket number 2007-CV-
3 916. Will counsel please state their names for the record?
4 For the plaintiff?

5 MR. OSEN: Gary Osen for the Weiss plaintiffs,
6 joined by my colleague, Aaron Schlanger.

7 MR. BONNER: Your Honor, Jim Bonner for the
8 Applebaum plaintiffs.

9 MR. FRIEDMAN: Good morning, your Honor, Larry
10 Friedman from Cleary, Gottlieb, Steen & Hamilton, on behalf
11 of National Westminster Bank. With me are my colleagues,
12 Yeora Park and Kirsten (ui).

13 THE COURT: I've looked at your motion papers.
14 It's your motion, Mr. Osen.

15 MR. OSEN: Let me start by doing something which
16 is probably not generally recommended, which is concede a
17 particular point to my adversary. We agree with Mr.
18 Friedman about one critical point, which is that the
19 relevance of certain materials belonging to RBS is
20 determined by the degree to which you can impute scienter
21 (ph) to the parent group. And that means that only records
22 which actually sort of percolate up to the group risk level
23 would then impact the scienter of the group risk in its sort
24 of global analysis, if you will, of terror finance risks.

25 I will say that I checked with my colleagues, who

1 are more actively involved in the meet and confer process in
2 this, and no one has any recollection, prior to Mr.
3 Friedman's response of being advised that there were only
4 two customers who were responsive, specifically friends of
5 Alaxa (ph) or Yousef Islam (ph), I'm sorry.

6 So our initial position, your Honor, with respect
7 to that is this: Mr. Friedman in his letter refers to
8 records that have been produced to date. That's his
9 phraseology. We would submit that at the completion of the
10 record production and the search that is currently ongoing,
11 the number of responsive entities may be two, it may be
12 three, it may be five. We don't sitting here today know the
13 answer to that. But whatever that universe is, we would
14 evaluate on the basis of the disclosures that are made.

15 With respect to the two which Mr. Friedman has
16 identified, we believe that the friends of Alaxa materials
17 are clearly demonstrably relevant and directly Germain to
18 the allegations in the complaint. With respect to the
19 artist formerly known as Mr. Stevens, I think we would
20 reserve judgment on that, both because I think it's at least
21 on its face somewhat more tangential and secondly because of
22 at least the prospect of an additional bank secrecy issue
23 relating to the Jersey Isles.

24 Overall, however, I think you know, if I can just
25 briefly emphasize the themes, for us the important issue is

1 of course that because Natwest compliance functions
2 particularly after the merger were consolidated into RBS, we
3 have received documents from RBS continually through the
4 production. The defendant has identified RBS on its Rule 26
5 disclosure as an entity that has evidence, etc. I don't
6 think that's seriously in dispute.

7 The only issues for us apart from the identify of
8 those that cross into group compliance function is twofold:
9 (1) is that we deal with it and with all these issues by
10 date certain so that we can at least approach the time frame
11 set forth in our existent scheduling order, and (2) as a
12 side note on burden, to the extent the court wants to
13 explore that further, we do have some additional thoughts on
14 the representations made about the burden to date.

15 MR. FRIEDMAN: Well, Mr. Osen has certainly
16 narrowed the issues.

17 THE COURT: I will narrow the issue.

18 MR. FRIEDMAN: I suspect. Your Honor, as we made
19 plain, our view on relevance is based on plaintiff's
20 relevance theory and Mr. Osen has confirmed that he agrees
21 with it. The two customers have been identified -- if I
22 understand Mr. Osen, what Mr. Osen is saying this morning is
23 asking that the subpoena be enforced to the extent of the
24 Friends of Alaxa customer file, and I can well understand
25 the relevance of that.

1 With respect to the burden issue, again as Mr.
2 Osen has limited this to Friends of Alaxa, as a practical
3 matter, I have to acknowledge that if your Honor engaged in
4 the same analysis as then magistrate Judge Matsumoto engaged
5 in with respect to an English bank and English customer,
6 even though here we do have a different circumstance that
7 it's a nonparty, and we have a different circumstance that
8 it involves a customer that's not accused to being in the
9 causal chain leading to plaintiff's injuries, I will
10 recognize that your Honor would probably strike the balance
11 on English bank secrecy in the same vein Magistrate Judge
12 Matsumoto did.

13 I will say that we -- if your Honor rules that the
14 Friends of Alaxa should be produced, we will need what I
15 think will be a stipulated word akin to what we've entered
16 into previously to make the record that Natwest is producing
17 its file under court compulsion, so that there's a record
18 for English purposes why this is being done and I detect
19 from Mr. Osen's nod that that will be acceptable to have an
20 order requiring us to produce that file on the same terms as
21 we've agreed to in the past.

22 THE COURT: Excuse me for interrupting, I didn't
23 really focus on the nature of the organizational structure.
24 Mr. Osen mentioned that there was a Natwest, there was a
25 merger of Natwest into the RBS?

1 MR. FRIEDMAN: No. Well --

2 THE COURT: When did this relationship start?

3 MR. FRIEDMAN: I believe it was around 2000 but I
4 can't say that with certainty. There is the RBS group your
5 Honor, which is the umbrella, and under the RBS group is
6 Natwest, RBS which is a separate bank, RBSI, and Coats (ph)
7 and Ulster bank, and other entities. So RBS was never, RBS
8 Bank was never merged into the RBS group, Natwest was never
9 merged into the RBS group.

10 People refer to it colloquially as a merger
11 because it was a major acquisition for Natwest to be a part,
12 but it's under the umbrella of Natwest group. But I
13 understand plaintiff's relevance theory and I appreciate Mr.
14 Osen's agreement that plaintiff's theory of relevance is
15 that knowledge is to be imputed to Natwest based on what was
16 known at the level of the group level departments that
17 provide shared services to the banks in the group.

18 And, therefore, as I argued in my letter and which
19 Mr. Osen is agreeing with, the only -- since the alleged
20 imputation of knowledge in Natwest is based on a conduit of
21 the group level departments, the only customer records that
22 would relevant would be for customers that came to the
23 attention of group level departments and to date we have
24 identified two.

25 The second issue was burden. Your Honor, I well

1 recognize that if your Honor requires that we produce only
2 the Friends of Alaxa customer file, which is what Mr. Osen
3 is now asking for, that the burden of argument is lessened
4 than if it was what the subpoena calls for on its face,
5 which is a group-wide search of six banks on two or three
6 continents. So I well recognize that burden shakes out.
7 The bank secrecy issue --

8 THE COURT: Actually, my question is partially
9 directed towards the relevance and burden. Because if the
10 relationship did not begin until 2000, and the subpoena
11 seeks documents from 1996, I'll first hear from Mr. Osen as
12 to whether or not that is an appropriate time period because
13 the court does have a duty to make sure that the discovery
14 processes are narrowly tailored.

15 MR. OSEN: Right, your Honor. I think the issue
16 has to be bifurcated between what you might call the red
17 flag stage vs. the underlying documentation question. And
18 I'll walk it through with a practical example. Stipulating
19 for purposes of this discussion that the acquisition of
20 Natwest took place in 2000 give or take, end of 2000,
21 formalized early 2001, what have you.

22 Effectively, RBS operates the group risk
23 management, group security for all of its component parts,
24 or at least for Natwest, we know definitively. And that
25 means that when there's a let's say, alert for Interpol

1 related to terror financing in 2002, it doesn't go to a
2 Natwest department, it goes to an RBS department.

3 THE COURT: Right. No, I --

4 MR. OSEN: Okay, so that part is the sort of
5 foundational level.

6 THE COURT: I think you don't even have to address
7 anything after the -- any records after the date of the
8 acquisition.

9 MR. OSEN: Understood, your Honor.

10 THE COURT: Okay, so I'm really focusing on
11 records before the date of the acquisition.

12 MR. OSEN: Right. So now --

13 THE COURT: And also, I don't know about the other
14 banks under the RBS umbrella because I don't know if any of
15 those banks would have been acquired some time after 200.

16 MR. FRIEDMAN: But I'm afraid it would be germane,
17 your Honor, because Friends of Alaxa is a customer only of
18 RBS. It's the only bank, so we're just talking about one
19 customer of one bank.

20 THE COURT: Alright then, we're really just
21 talking -- my question is really how far back should the
22 search go?

23 MR. OSEN: Understood, your Honor. I think the
24 answer is that once you have a group risk issue, whether
25 it's Friends of Alaxa or anybody else that percolates, let's

1 say in 2002, the question then becomes how does one assess
2 the risk and analysis for that file the way a bank or
3 forensic review would do. And that goes back to the
4 original KYC of the customer when the account is opened, it
5 goes to any other transactions that might be part of a look
6 back at the account.

7 So for example, to use an illustration. In 2004
8 RBS made the tactic transfer to an entity in the Palestinian
9 territories that gets blocked by an Israeli bank because
10 it's on the Israeli unlawful designation list. And that
11 creates a record inside RBS saying this transaction was
12 flagged for terrorism concerns, what do we do, et cetera.

13 We would argue, your Honor, that records that
14 customer going back even earlier before 2000 are pertinent
15 and relevant for a number of reasons: (1) because they
16 contained the KYC information on the customer, (2) because
17 they also contained potentially evidence of other transfers
18 to the same entities that are the cause of the original
19 group level concern at a later point.

20 When banks review their customer and the risk
21 levels that they encounter, when they have an issue, they
22 are supposed to go back and assess the customer as a whole
23 both from a KYC standpoint and from the standpoint of
24 whether there are other similar problematic transactions or
25 anything else that might raise a flag once the original flag

1 has been raised. So the transaction that may trigger a RBS
2 risk analysis is in 2002 but it's the entirety of the file
3 that then tells you what they should have been looking at.

4 MR. FRIEDMAN: In regard to that may be right, we
5 should also note -- and through the wonders of e-mailing,
6 I'm checking when Friends of Alaxa became a customer of RBS
7 because this may be moot depending on when they did become a
8 customer. But they're not dealing with this in a vacuum
9 your Honor, we're dealing with it in the context of burden,
10 of balancing relevance and burden.

11 And your Honor having ordered in September that
12 only a customer file be produced, we've since been frankly
13 had our arms twisted a bit to avoid petition motion
14 practiced by agreement to a broader definition of customer
15 file. And I think given the burden and relevance balance
16 that needs to be struck, that your Honor should require the
17 production only occur as of the time that RBS came under
18 this umbrella, that RBS came under the shared services. And
19 Mr. Osen can come back to your Honor if there is something
20 that he finds in the documents from that period forward
21 suggesting it's necessary to go farther back.

22 But whereas your Honor had originally required in
23 this context that we produce only a customer file, we're now
24 being asked to produce account statements, backups for
25 certain wire transfers, e-mails that are available on the

1 computers of the relationship manager and assistant
2 relationship manager. So Mr. Osen's argument may be all
3 well and good in theory, but taken in a vacuum and balancing
4 the relevance and the burden I think at least in the first
5 instance your Honor should take their theory as it's
6 presented and requires production only to occur with respect
7 to records from when the account came under the supervision
8 of the group departments going forward. And as I said, I
9 am --

10 THE COURT: I think you're really -- it's not
11 appropriate to apply my limitations for the sale because
12 when I made my discovery burdens last September, it was with
13 the expectation that we were dealing solely with the
14 knowledge of Natwest. So that the records of these other
15 entities were more tangential and now that we know that we
16 have to go up one level in determining knowledge, it would
17 strike me that the same kind of search that was permitted
18 with respect to Interpol should apply here.

19 MR. FRIEDMAN: So, your Honor, we can provide that
20 file. As I said, I think this may be moot because I'm not
21 quite sure when Friends of Alaxa became a customer. But
22 again, subject to stipulated order for the record, we will
23 gather the same information for Friends of Alaxa.

24 I do need to disagree with Mr. Rosen on timing.
25 In his letter to your Honor, he made a point of asking for a

1 June 15 deadline for the electronic records from four group
2 level departments. As I had said to Mr. Osen shortly before
3 he wrote that letter, we think we can do that by the end of
4 June. So the difference between June 15 and June 30 is not
5 that great. We produced all the electronic records we have,
6 there is one more batch of electronic records that we need
7 to look for.

8 The July 15 date obviously was untenable if we had
9 to go through six banks but I'm not equipped to represent to
10 your Honor today when we can produce these materials for
11 Friends of Alaxa. The person who is in charge of this is
12 having her deposition taken by one of Mr. Osen's colleagues
13 as we speak. But I will speak to that witness as soon as
14 she comes off the deposition and ask her if that file can be
15 put together.

16 I will tell you that that file should be put
17 together as promptly as possible, and just let Mr. Osen as
18 to whether he can actually get it done. July 15 may be
19 realistic but I don't really feel it would be right for me
20 to argue the point because now that Mr. Osen is limited to
21 this one file, I don't know what my client can do.

22 THE COURT: That makes sense to stagger the
23 production of the customer file.

24 MR. FRIEDMAN: Well, that's what we always do. We
25 always -- for example, other customers of Natwest that have

1 been identified we produce the customer files and the
2 transactional records are following. We really are doing
3 this as quickly as we can.

4 THE COURT: Let me suggest that you might be able
5 to speed up production, and I may be wrong in even making
6 this assumption given the issues that arose with respect to
7 the redactions, but if you err on the side of not redacting
8 and rely on the confidentiality that's in place, you might
9 be able to speed up the production.

10 MR. FRIEDMAN: Right, there are -- I hear your
11 Honor but that's not what slows us up. What slows us up is
12 getting the personnel in place and getting the electronic
13 searches done in place. But we're doing the best we can.
14 So what Mr. Osen asked for is ready by June 15, I expect
15 we're going to have by the end of June and everything is
16 being done on a rolling basis. And I'll give Mr. Osen a
17 call in the next few days to tell him what I'm told we can
18 do with the Friends of Alaxa file and we'll get it out.

19 MR. OSEN: Your Honor ,at the risk of sort of
20 ruining the spirit of agreement here, if I can just go back
21 before we get to the actual deadlines, return to the
22 original issue on two points.

23 (1) I want to make clear that our position -- your
24 Honor has ruled one way or the other, but our position is
25 that we're not simply asking for the Friends of Alaxa file.

1 We're asking for Friends of Alaxa file based on the fact
2 that at the moment up until this point in the production
3 there are only two entities that are involved.

4 THE COURT: I understand, I think Mr. Friedman
5 understands. And I certainly do.

6 MR. OSEN: I just want to be clear about that for
7 the record.

8 THE COURT: I think we've established some ground
9 rules and actually related to that from the last conference
10 we had, have you reached some sort of agreement on
11 transactions, you know that the threshold transactions?

12 MR. FRIEDMAN: Well, we're going through the
13 process of generating that one month that your Honor told
14 us. We're awaiting that.

15 MR. OSEN: Your Honor, the other thing is, if I
16 may approach for a moment, I'll give a copy. It's related
17 to this whole question of how the process works with dates
18 and so forth. This is a copy of a record we received from
19 the defendant last Friday. I don't know if the time this
20 was created whether they called this yet a goalkeeper record
21 or not so I won't characterize it, except to say that it's
22 somewhat similar to the later iterations of the group risk
23 records that were created by RBS. This one presumably was
24 produced by Natwest in its prior iteration. And it's a
25 11:00:05 money laundering disclosure for the Palestine and

1 Lebanon Relief Fund which is the predecessor name and
2 formulation of Interpal (ph).

3 MR. FRIEDMAN: By the way, your Honor, I object to
4 this theme being brought up because it's not within the
5 scope of what was raised for today, but I just want to note
6 what Mr. Osen just said about being the predecessor to
7 Interpal is wrong. And in fact, I have a document --
8 because I likely suspected he would try to quibble this with
9 your Honor, I have a document from the English government
10 pointing out that they're a separate entity from Interpal.

11 MR. OSEN: I'm only going based on the SDGT
12 designation, your Honor. But I'm limiting my point to
13 actually page 4, I'm sorry page 5 of the document. In the
14 middle of the page, it indicates other accounts known to be
15 held. If you see that. And underneath it, it says Ulster
16 Bank, College Green, Dublin, Ireland.

17 Ulster Bank, I don't know if it was true in 2000
18 or when but it's currently within the RBS group. It was
19 perhaps not part of the RBS group at the time that this
20 precursor goalkeeper record existed. But this is an example
21 of what I discussed earlier so that a retroactive search and
22 analysis.

23 That is, when you have a customer in 2002 or 2004,
24 who raises some kind of flag. In the case of Interpol, it's
25 designated by the United States government or what have you.

1 The records and analysis that may be done of all accounts
2 whether held by Natwest or other entities within the group,
3 then becomes relevant again when you're looking at the
4 customer.

5 And so just as prior iterations of Interpol were
6 relevant for analysis of Interpol, so, too, other accounts
7 in what turned out to be sister banks of the group become
8 relevant. It's very hard when you're sort of going down the
9 rabbit hole of the money trail to arbitrarily cut it off at
10 1995, 1999 or even in fact to 1990.

11 We had always understood, and I recognize the
12 distinction Mr. Friedman is trying to make, that Interpol
13 started in 1994 and that's why we had the relevant time
14 period we have in our things. But when you see that it was
15 in its prior iteration a customer of the bank going back at
16 least on this record to 1990, that's material we regard not
17 only as relevant but because it may have generated as it did
18 here other issues or concerns at an earlier time, the whole
19 picture is not set by arbitrary cut offs but by what the
20 record actually leads you to.

21 MR. FRIEDMAN: I don't what point Mr. Osen is
22 trying to make other than the scope of discovery can evolve
23 as documents are produced, and I acknowledge that and we're
24 going through a real example of that today. I understand an
25 issue has been made in the depositions that are going on

1 this week about the bank's relationship with this entity,
2 which again, I have a report that Mr. Osen is familiar with
3 -- in fact, (ui) marked as the exhibit this week, I
4 understand, which makes the point that these are separate
5 charities. And I agree with Mr. Osen that the relevance
6 analysis changes as documents are produced. Again, that's
7 what brings us here today.

8 THE COURT: Well, I think that there is currently
9 no dispute. I just hope your making -- I have to say we do
10 have a date of 1992 that is the date of the antiterrorism
11 act, that I would think would set, would help us to the
12 extent that you want to expand.

13 MR. OSEN: The date of 1992, your Honor, in terms
14 of the civil provision --

15 THE COURT: I realize that. I may be --

16 MR. OSEN: But if you're just looking at the
17 document, your Honor, as an example, and I'm not trying to
18 argue my case here, but if you look at page 4 of the
19 document where they list transactions that raise suspicions,
20 et cetera, they are from 1992. That doesn't go to the
21 question of whether a transfer in 1992 would be the
22 proximate cause of injury. It goes to how the bank
23 understood the risk level of the client going through time.

24 THE COURT: I understand that. It was the same
25 kind of passing comment that you just made.

1 MR. FRIEDMAN: So I think, your Honor, we should
2 submit a stipulated order for the production of the Friends
3 of Alaxa file and we'll go to it.

4 THE COURT: Okay.

5 MR. OSEN: That's fine, your Honor. If I may
6 return now to Mr. Friedman's point about the schedule.
7 Obviously, we have no problem setting a date of I think you
8 said June 30th instead of June 15. That's not the issue.
9 For us the question is a little bit more complex because I
10 assume what Mr. Friedman's referring to by June 30th is the
11 production of materials, the electronic records and the,
12 what he previously defined as the customer file for Natwest
13 customers.

14 We have a stipulation in place which comports
15 closer to what we understand customer files to mean and we
16 sort of resolved that dispute as Mr. Friedman alluded to.
17 But that's the heart of the matter if you will in terms of
18 the production. And I'll give you just by way of an
19 illustration they've produced to us maybe 50, 60 pages for a
20 Natwest customer called Muslim Aid, which presumptively is
21 in the physical customer file at the branch.

22 We've had our stipulation in place that will give
23 us the account records, the wire transfers up to certain
24 limits etc. for that. That's really where the meat of the
25 matter is and those records which are the account

1 statements, the wire transfers, where the money went to etc.
2 is what we're really concerned about. So it's not the date
3 of production of these sort of minimalist customer folder in
4 the bank branch but the heart of the material that we have
5 sought since last year.

6 And, you know, right now, as we are currently
7 scheduled, we have a December 18 fact discovery cut off and
8 October 23rd deadline for motions to compel. And you can see
9 where, you know, Mr. Friedman's representation of a search
10 is that a single person at RBS is conducting the searches.
11 That presumably, when they get to the level of account
12 records and so on, they have more people working on it, but
13 regardless, for our purposes, we only care about date
14 certain of completion so that we can analyze the records and
15 come back.

16 THE COURT: Well, I think he was talking about a
17 different search.

18 MR. FRIEDMAN: I was, your Honor. And I think we
19 should not be negotiating in front of your Honor production
20 schedules.

21 THE COURT: Well ,I think --

22 MR. FRIEDMAN: Mr. Osen's letter --

23 THE COURT: Mr. Friedman, I'm just trying -- I
24 think he was asking and let me just clarify in my mind what
25 production on June 30th.

1 MR. FRIEDMAN: And that was the point I was going
2 to make, your Honor. In his letter, Mr. Osen asks that a
3 deadline be set of June 15th for the electronically stored
4 records from four departments. That we do believe we can
5 complete by June 30th.

6 And with respect to the customer files, we have
7 produced the customer files for all of the seven customers
8 where there are files that have been found. Not all types
9 of accounts had customer files. There are three customers
10 for whom we found files and we've produced them. There are
11 four customers for whom we haven't found customer files.

12 The next point is account statements, and we
13 expect to produce the account statements quickly. Let me
14 just also take exception to Mr. Osen's statement that these
15 are documents they requested last year. We just reached a
16 stipulation about the other things that we produced a couple
17 of weeks ago. We're going to produce the account statements
18 shortly, as quickly as we can.

19 The plaintiffs have agreed in the stipulation that
20 they're going to identify the outgoing wire transfers that
21 they're interested in and we're going to look for those
22 records. We've agreed to produce backup records for
23 incoming wire transfers above a certain threshold. That has
24 to be done manually. It's not being done by one person but
25 it has to be done manually because it's going to take some

1 time. And we -- the fourth category we've got the e-mails,
2 which we've already started searching through.

3 So what will be produced on June 30 is the
4 remaining electronically stored records from the four
5 departments, I believe there's one department left to go.
6 And that's all that Mr. Osen put on the table for today.
7 The other categories of documents are the subject of our
8 recent stipulation, first account statements we expect to
9 produce those shortly, I can't say exactly when but they are
10 being prepared. They will then look at those and identify
11 the outgoing wire transfers for which there is a record.

12 At the same time, we have people engaging in the
13 manual review of the account statements for the incoming
14 wire transfer records. I have already been warned that that
15 manual review and then looking for the records based on the
16 manual review will take some time. And we're getting the e-
17 mails together. We are doing this as quickly as we can and
18 our agreement to these additional categories of documents is
19 just a couple of weeks old. It's not something that dates
20 back to last year.

21 THE COURT: Well, I take it Mr. Osen is expressing
22 some concern that there will only be one person --

23 MR. FRIEDMAN; No, no.

24 THE COURT: But I think enough has been said about
25 this. Is there anything else?

1 MR. OSEN: Your Honor, my point is not really to
2 disparage the efforts of the defendant in collecting the
3 records or the challenge involved in reconstructing the
4 files. It's more an issue of having a date fixed that will
5 allow us to platform everything else that we need to do in
6 the schedule from there. That's really it. And --

7 THE COURT: Well I think what you need to do is
8 find out from Mr. Friedman after you've had an opportunity
9 to confer with your client as to when you expect completion
10 the production.

11 MR. FRIEDMAN: I will do that, your Honor.

12 MR. OSEN: That's it, your Honor.

13 THE COURT: Okay.

14 MR. OSEN: Have a good holiday.

15 THE COURT: You too. You'll call me when you need
16 to schedule --

17 MR. FRIEDMAN: We'll submit the stipulated order
18 with the Friends of Alaxa production.

19 THE COURT: Alright.

20 MR. OSEN: Have a good weekend, your Honor.

21 THE COURT: You too.

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I certify that the foregoing is a correct transcript
from the electronic sound recording of the proceedings in
the above-entitled matter.

A handwritten signature in black ink, appearing to read 'EB', with a long horizontal stroke extending to the right.

ELIZABETH BARRON

June 11, 2009